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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11

12 LARRY BOWOTO, et. al.,

13 Plaintiffs,

14 v.

15 CHEVRON CORPORATION, et al.

16 Defendants.
17
18
19
20
21

Case No: C 99-02506 SI

**NOTICE OF MOTION AND MOTION
TO VOLUNTARILY DISMISS CLAIMS
OF CERTAIN PLAINTIFFS PURSUANT
TO FED. R. CIV. PROC. 41(a)(2);
[PROPOSED] ORDER OF DISMISSAL**

NO ORAL ARGUMENT NEEDED

Date: April 11, 2008
Time: 9:00am
Courtroom: 10, 19th floor
Judge: Honorable Susan Illston

Counsel for Plaintiffs (continued from first page)

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NOTICE OF MOTION TO VOLUNTARILY DISMISS CLAIMS

Please take notice that at 9:00 a.m. on April 11, 2008, before the Honorable Susan Illston in Courtroom 10, located at 450 Golden Gate Avenue, 19th floor, San Francisco, California, plaintiffs Smart P. Iteimor (aka Menekiei Job, Menewei Job), Benson Edekou, Anthony Lawuru, Henry Pabulogba (aka Berlin Tiemo), and John Ikeyan will move for an order dismissing with prejudice certain claims asserted in the Ninth Amended Complaint, pursuant to Federal Rule of Civil Procedure 41(a)(2).

Plaintiffs do not request oral argument on this motion and do not believe it is needed.

MOTION TO VOLUNTARILY DISMISS CLAIMS

Pursuant to Federal Rule of Civil Procedure 41(a)(2), plaintiff Smart P. Iteimor (aka Menekiei Job, Menewei Job) moves to dismiss with prejudice all claims he has asserted in the Ninth Amended Complaint, individually and as attorney-in-fact.

Pursuant to Rule 41(a)(2), plaintiff Smart P. Iteimor (aka Menekiei Job, Menewei Job) moves to dismiss with prejudice all claims asserted by plaintiffs identified in the Ninth Amended Complaint as:

Miyensente Oloko (Ninth Am. Compl. ¶ 31);

Perebo Oloko (Ninth Am. Compl. ¶ 32);

Doubra Oloko (Ninth Am. Compl. ¶ 33);

Ebifa Oloko (Ninth Am. Compl. ¶ 34);

Gbolo Oloko (Ninth Am. Compl. ¶ 35);

Monday Oloko (Ninth Am. Compl. ¶ 36); and

Silas Oloko (Ninth Am. Compl. ¶ 37).

Pursuant to Rule 41(a)(2), plaintiff Benson Edekou moves to dismiss with prejudice all claims he has asserted in the Ninth Amended Complaint, individually and as attorney-in-fact.

Pursuant to Rule 41(a)(2), plaintiff Benson Edekou moves to dismiss with prejudice all claims asserted by plaintiffs identified in the Ninth Amended Complaint as:

Peremobo Okoro (Ninth Am. Compl. ¶ 39); and

Bralaye Okoro (Ninth Am. Compl. ¶ 40).

Pursuant to Rule 41(a)(2), plaintiff Anthony Lawuru moves to dismiss with prejudice all claims

1 he has asserted in the Ninth Amended Complaint, individually and as attorney-in-fact.

2 Pursuant to Rule 41(a)(2), plaintiff Anthony Lawuru moves to dismiss with prejudice all claims
3 asserted by plaintiffs identified in the Ninth Amended Complaint as:

4 Helen Lawuru (Ninth Am. Compl. ¶ 42);

5 Ebi Lawuru (Ninth Am. Compl. ¶ 43);

6 Francis Lawuru (Ninth Am. Compl. ¶ 44); and

7 Peter Lawuru (Ninth Am. Compl. ¶ 45).

8 Pursuant to Rule 41(a)(2), plaintiff Henry Pabulogba (aka Berlin Tiemo) moves to dismiss with
9 prejudice all claims he has asserted in the Ninth Amended Complaint, individually and as attorney-in-
10 fact.

11 Pursuant to Rule 41(a)(2), plaintiff Henry Pabulogba (aka Berlin Tiemo) moves to dismiss with
12 prejudice all claims asserted by plaintiffs identified in the Ninth Amended Complaint as:

13 Elizabeth Bright (Ninth Am. Compl. ¶ 47, 50);

14 Bakewei Pabulogba (Ninth Am. Compl. ¶ 48); and

15 Grace Pabulogba (Ninth Am. Compl. ¶ 49).

16 Pursuant to Rule 41(a)(2), plaintiff John Ikeyan moves to dismiss with prejudice all claims he has
17 asserted in the Ninth Amended Complaint, individually and on behalf of his deceased father,
18 Agbagbaedi Ikenyan, including as a successor-in-interest to Agbagbaedi Ikenyan, and as attorney-in-fact.

19 Pursuant to Rule 41(a)(2), plaintiff John Ikeyan moves to dismiss with prejudice all claims
20 asserted by plaintiffs identified in the Ninth Amended Complaint as:

21 Blessing Ikenyan (Ninth Am. Compl. ¶ 52);

22 Nanamu Ikenyan (Ninth Am. Compl. ¶ 53);

23 Tominibor Ikenyan (Ninth Am. Compl. ¶ 54); and

24 Yellow Ikenyan (Ninth Am. Compl. ¶ 55).

25 “A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a
26 defendant can show that it will suffer some plain legal prejudice as a result.” *Smith v. Lenches*, 263 F.3d
27 972, 975 (9th Cir. 2001) (footnote omitted). No such legal prejudice exists here.

Accordingly, plaintiffs Smart P. Iteimor (aka Menekiei Job, Menewei Job), Benson Edekou, Anthony Lawuru, Henry Pabulogba (aka Berlin Tiemo), and John Ikeyan respectfully request that the above-mentioned claims be dismissed with prejudice.

Dated: March 7, 2008

Respectfully submitted,

HADSELL & STORMER, INC.
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EARTHRIGHTS INTERNATIONAL
SIEGEL & YEE
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By /s/
Barbara Enloe Hadsell
Attorneys for All Plaintiffs

[PROPOSED] ORDER OF DISMISSAL

The motion of plaintiffs Smart P. Iteimor (aka Menekiei Job, Menewei Job), Benson Edekou, Anthony Lawuru, Henry Pabulogba (aka Berlin Tiemo), and John Ikeyan to voluntarily dismiss the claims of certain plaintiffs is GRANTED. Pursuant to Federal Rule of Civil Procedure 41(a)(2), all claims of the plaintiffs identified in the Ninth Amended Complaint as Smart P. Iteimor (aka Menekiei Job, Menewei Job), Miyensente Oloko, Perebo Oloko, Doubra Oloko, Ebifa Oloko, Gbolo Oloko, Monday Oloko, Silas Oloko, Benson Edekou, Peremebo Okoro, Bralaye Okoro, Anthony Lawuru, Helen Lawuru, Ebi Lawuru, Francis Lawuru, Peter Lawuru, Henry Pabulogba (aka Berlin Tiemo), Elizabeth Bright, Bakewei Pabulogba, Grace Pabulogba, John Ikeyan, Blessing Ikenyan, Nanamu Ikenyan, Tominibor Ikenyan, and Yellow Ikenyan are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

DATED: 3/14/08



The Honorable Susan Illston
United States District Court Judge